

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	No. 1:23-cv-00108-LMB-JFA
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	

**PLAINTIFFS’ RESPONSE TO GOOGLE’S MOTION TO RESET TRIAL DATE**

The Court has ordered that the trial in this matter will commence on September 9, 2024. ECF No. 525, at 1.

Shortly after the Court set the trial date, Google sought to postpone the trial “[t]o the extent” that the U.S. District Court in Delaware does not continue the trial in another matter, *ARM v. Qualcomm*, 1:22-cv-1146-MN (D. Del.) (“*ARM*”). ECF No. 532, at 2. According to Google, two of its lead trial counsel in this matter are also trial counsel of record for the defendants in *ARM*.<sup>1</sup> *Id.* at 1. Trial in *ARM* is currently set for September 23, 2024, and is scheduled to last five days. *ARM*, ECF No. 26.<sup>2</sup> Defendants there have a pending, contested motion to continue the trial until December 2024. *ARM*, ECF Nos. 26, 254, 257. The reply brief on that motion was filed on February 13, 2024. *ARM*, ECF No. 267.

Should the District Court in Delaware grant the motion to continue and reset the *ARM* trial for December 2024 or some other time that does not conflict with the trial in this matter, the present motion will be moot.

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<sup>1</sup> It is unclear to Plaintiffs whether Google has additional lead trial counsel who are available to handle the trial in this matter during the week of the *ARM* trial.

<sup>2</sup> Citations to the docket in *ARM* are provided in the format “*ARM*, ECF No. \_\_\_.”

In the event the District Court in Delaware denies the pending motion to continue the trial in *ARM*, Plaintiffs defer to this Court's judgment as to how to balance Plaintiffs' objective in bringing this matter to a prompt resolution against Google's desire to have each of its trial counsel present for the duration of the trial.

### **CONCLUSION**

To the extent that the motion to continue in *ARM v. Qualcomm* remains pending, Google's motion to continue should be denied as premature. Plaintiffs otherwise defer to the Court's judgment as to how to resolve Google's motion.

Dated: February 16, 2024

Respectfully submitted,

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